THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.787 of 2006

Date:24.01.2006

M/s. Sri Dhanalaxmi Filling Station

----------Petitioner

Hindustan Petroleum Corporation Limited and another.

----------Respondents

ORDER:

The petitioner is a Petroleum Outlet of Hindustan Petroleum Corporation Limited. The Outlet is functioning at Tukkuguda of Maheswaram Mandal, Ranga Reddy District. On 28.12.2005, the Executive Mobile Lab Officer, 2nd respondent herein, conducted a surprise check at the petitioner-Petroleum Outlet. Samples of Motor Spirit (Petrol) and High Speed Diesel were drawn. On an examination in the Mobile Laboratory, it is emerged that the sample of petrol did not accord with the required standards, whereas the sample of Diesel was found to be in order. Based on the report, the 1st respondent-Corporation stopped the supplies to the petitioner. A show cause notice was issued on 04.01.2006 to the petitioner and he, in turn, submitted his explanation on 12.01.2006. The grievance of the petitioner is that even before the samples left with him are examined by the concerned Laboratory and any final decision is taken in the matter, the supplies are stopped.

Heard the learned counsel for the petitioner and the leaned Standing Counsel for the respondents.

The Marketing Discipline Guidelines prescribed by the Ministry of Petroleum mandate that whenever samples of petroleum products are drawn from the dealers, two samples thereof must be left with the dealer concerned. The purpose of leaving such samples is to enable the dealer to get them tested, in

case, he disputes the outcome or the result of the analysis of the samples, in the possession of the Corporation.

In the instant case, the respondents followed the correct procedure. Apart from conducting the spot test of the samples, they left two such samples with the dealer and have taken few samples with proper seals, for the purpose of delivering them to the 1st respondent-Corporation. The learned Standing Counsel for the respondents submits that the analysis of the samples, which were delivered to the 1st respondent-Corporation, at the concerned laboratory, proved that the petrol being sold by the petitioner did not meet the required specifications.

The very purpose of leaving a sample with the dealer is to ensure fair play and transparency in the matter. The petitioner claims to have made a request for analyzing the sample left with it. There is no reason why such a request cannot be acceded to. Through an interim order, dated 10.01.2006, this Court directed continuance of supply to the petitioner, pending such a procedure. Since the exercise of getting the samples analysed is in the hands of the 1st respondent-Corporation itself, it should not cause any delay.

For the foregoing reasons, the Writ Petition is disposed of, directing that the 1st respondent shall cause the analysis of the sample of petrol left with the petitioner, duly verifying whether the sample is in the same condition, as it was, at the time of its being delivered, with reference to the relevant parameters. Since the only dispute is with regard to the final boiling point, the analysis shall be confined to that aspect alone. The final action to be taken against the petitioner would depend upon the outcome of such analysis. Till such action is taken, the 1st respondent shall continue supplies to the petitioner. There shall be no order as to costs.

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24.01.2006

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